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8 Attorneys for Defendant

9  
10 IN THE UNITED STATES DISTRICT COURT  
11  
12 FOR THE EASTERN DISTRICT OF CALIFORNIA

13 JOE A. MUSANTE, JR.,

14 Plaintiff,

15 v.

16 JO ANNE B. BARNHART,  
17 Commissioner of  
18 Social Security,

19 Defendant.

CASE NO. **2:04-CV-02209-GGH**

STIPULATION AND ORDER  
SETTLING ATTORNEY'S FEES  
PURSUANT TO THE EQUAL  
ACCESS TO JUSTICE ACT

20 IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel,  
21 subject to the approval of the Court, that counsel for Plaintiff be awarded attorney's fees under the  
22 Equal Access to Justice Act (EAJA) in the amount of THREE THOUSAND THREE HUNDRED  
23 NINETY AND 00/100 DOLLARS (\$3,390.00), said amount representing compensation for legal  
24 services rendered on behalf of Plaintiff by her attorney in accordance with 28 U.S.C. § 2412(d).

25 This stipulation constitutes a compromise settlement of counsel for Plaintiff's request for all  
26 fees under the EAJA, and does not constitute an admission of liability on the part of Defendant under  
27 the EAJA. Payment in the amount of THREE THOUSAND THREE HUNDRED NINETY AND  
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00/100 DOLLARS (\$3,390.00) in fees , shall constitute a complete release from and bar to any and all claims counsel for Plaintiff may have relating to EAJA fees in connection with this action, but such award will not prejudice any future request for attorney's fees under the Social Security Act, 42 U.S.C. § 406(b).

The parties further stipulate that counsel for Plaintiff will provide a facsimile of this stipulation bearing counsel's signature for retention in Defendant's case file, and hereby authorizes counsel for Defendant to file this document in PDF format under the latter's Electronic Case Filing password, pursuant to Local Rule 7-131.

DATED: April 17, 2006

/s/ Bruce J. Hagel  
BRUCE J. HAGEL

Attorney for Plaintiff

DATED: April 17, 2006

McGREGOR W. SCOTT  
United States Attorney

By: /s/ Bobbie J. Montoya  
BOBBIE J. MONTOYA  
Assistant U. S. Attorney

Attorneys for Defendant

OF COUNSEL

LUCILLE GONZALES MEIS  
Chief Counsel, Region IX

ELIZABETH FIRER  
Assistant Regional Counsel

U. S. Social Security Administration

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**ORDER**

Upon stipulation of the parties, Counsel for Plaintiff in CASE NO. 2:04-CV-02209-GGH, JOE A. MUSANTE, JR. v. Jo Anne B. Barnhart, is hereby awarded attorney fees in the amount of \$3,390.00, pursuant to the Equal Access to Justice Act.

**APPROVED AND SO ORDERED.**

**DATED:** 4/20/06

/s/ Gregory G. Hollows

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**GREGORY G. HOLLOWS**  
**UNITED STATES MAGISTRATE JUDGE**

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